

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

|                                  |   |                                   |
|----------------------------------|---|-----------------------------------|
| <b>UNITED STATES OF AMERICA,</b> | ) |                                   |
|                                  | ) |                                   |
| <b>Plaintiff,</b>                | ) |                                   |
|                                  | ) |                                   |
| <b>vs.</b>                       | ) | <b>Case No. 4:15CR403HEA(SPM)</b> |
|                                  | ) |                                   |
| <b>CHARLES FLOWERS,</b>          | ) |                                   |
|                                  | ) |                                   |
| <b>Defendant.</b>                | ) |                                   |

**ORDER CONCERNING PRETRIAL MOTIONS**

Defendant pled not guilty to the Indictment on **September 8, 2015**. At the arraignment defendant's counsel made a motion for additional time to file pretrial motions. Defendant's counsel has not had the opportunity to review discovery and/or has not had time to investigate the evidence, discuss it with defendant, and/or decide whether or not to file pretrial motions. The court finds that to deny defendant's motion for additional time would deny counsel for defendant the reasonable time necessary for effective investigation and preparation of pretrial motions, taking into account the exercise of due diligence, 18 U.S.C. § 3161(h)(7)(B)(iv), and that the ends of justice served by granting defendant's motion for additional time outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Therefore,

**IT IS HEREBY ORDERED** that Defendant's motion for additional time to investigate and prepare pretrial motions is **GRANTED**.

**IT IS HEREBY ORDERED** that any notice by the government of its intent to use specified evidence at trial, pursuant to Rule 12(b)(4), Federal Rules of Criminal Procedure shall be given to defendant **forthwith**.

**IT IS FURTHER ORDERED** that no later than **September 14, 2015** each party may propound to the opposing party, and may file with the court, any request for pretrial disclosure of evidence or information. Not later than **September 21, 2015**, the parties shall respond to any such requests for pretrial disclosure of evidence or information and may file with the court a copy of any such response. To avoid a proliferation of documents, to the extent practicable, all such requests for disclosure and the responses thereto shall be contained in one request document or in one response document, with each separate item of information or evidence discussed being a subpart of said document.

**IT IS FURTHER ORDERED** that not later than **October 1, 2015**, the parties may file any relevant pretrial motion(s). The opposing party shall respond to any such motion not later than **October 8, 2015**.

**IT IS FURTHER ORDERED** that any pretrial motion seeking a court order to compel the production of evidence or information from the opposing party, and each motion to suppress evidence, shall contain a statement of counsel that movant's counsel has personally conferred with counsel for the opposing party about the issue(s) raised in the motion(s), that there is a good faith belief that the information or evidence exists about which discovery is sought or which the defendant seeks to have suppressed, and (for motions for disclosure) that the disclosure of said information or evidence has been refused by the

opposing party. **Any such motion not having such attestation will not be considered or ruled by the Court.**

**IT IS FURTHER ORDERED** that any motion to suppress shall set forth, with particularity, the items(s) of evidence to which the motion is addressed, and shall set forth specific factual details to support any claim that such evidence was unlawfully obtained. **Any motion to suppress not containing such specific information or any motion cast in conclusory or conjectural terms will not be heard or considered by the Court.** Each motion to suppress must be accompanied by a memorandum of law setting forth the specific legal ground upon which it is contended that any such item of evidence was unlawfully obtained, with citations to authority.

**IT IS FURTHER ORDERED** that if the defendant chooses not to file any pretrial motions, counsel for the defendant shall file with the Court, not later than **October 1, 2015**, a **Notice of Intent to Waive the Filing of Pretrial Motions**. This memorandum shall attest that there are no issues that the defendant wishes to raise by way of pretrial motion; that counsel has personally discussed this matter with the defendant; and that the defendant agrees and concurs in the decision not to raise any issues by way of pretrial motion.

**IT IS FURTHER ORDERED** that a pretrial motion hearing, including an evidentiary hearing, will be set after pretrial motions, or waiver of pretrial motions are filed; the parties will be notified of the hearing date by order of the undersigned.

**IT IS FURTHER ORDERED** that all deadlines set forth in this order include weekend days and holidays. However, if a due date falls on a weekend or holiday, the due date for compliance shall be the next work day.

**IT IS FURTHER ORDERED** that all pretrial pleadings henceforth filed in this case shall include the initials of the Magistrate Judge under the case number.

**IT IS FINALLY ORDERED** that no extension time of any deadline set in this order will be granted except upon written motion, made before the expiration of the deadline, and upon good cause shown. **Failure to timely file motions or requests, or to request an extension of time to do so, will be considered as a notice of a party's intent to waive the right to make such motions or requests.**

/s/Shirley Padmore Mensah  
SHIRLEY PADMORE MENSAH  
UNITED STATES MAGISTRATE JUDGE

Dated this 9th day of September, 2015.